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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,151	01/14/2002	Alessandro Carrozza	008788-038	5272
7590	11/19/2003		EXAMINER	
William C. Rowland BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			SHRIVASTAV, BRIJ B	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/043,151	CARROZZI ET AL.
	Examiner Brij B Shrivastav	Art Unit 2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 September 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 39-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 39,41,44,45 and 48 is/are rejected.
- 7) Claim(s) 40,42,43,46,47 and 49 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. 09/412,636.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .  | 6) <input type="checkbox"/> Other: _____                                     |

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1. Applicant's response dated 03 September 2003 has been received and entered.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 39, 41, 44, 45, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roschmann (US 4,725,781), and further in view of Carrozzi (US 5,986,531).

As regards to claim 39, Roaschmann teaches nuclear magnetic resonance imaging machine (figure 1). Further, Roaschmann teaches a magnet having at least one rigid shielding member moveable to a position at least partially closing an open side of the cavity, the shielding member comprising electrically conducting material (figure 2, column 3, lines 39-63, figure 3, column 4, lines 11-48; figure 5, column 5, lines 23-46). Roaschmann does not teach two plane surfaces delimiting a cavity for receiving a part of a patient. Carrozzi teaches two plane surfaces delimiting a cavity for receiving a part of a patient (figures 6-8). It would have been obvious to one of ordinary skill in the art to combine teachings of Carrozzi to construct a more versatile magnetic resonance imaging device with the teachings of Roaschmann, so that various body parts of the patient could be imaged with least imaging artifacts and at reduced cost.

As regards to claim 41, Roaschmann does not teach a C-shaped magnet structure including a closed side, and the shielding member of the magnet structure closes at least partly on a side of the magnet structure, which is substantially opposite to the closed side while leaving remaining sides of the magnet partly open. Carrozzi teaches a C-shaped magnet structure including a closed side (figure 6). The shielding member of the magnet structure closes at least partly a side of the magnet structure which is substantially opposite to the closed side while leaving remaining sides of the magnet partly open (figures 1 and 6, numeral 18; columns 8 and 9, lines 54-67 and 1-17). It would have been obvious to one of ordinary skill in the art to combine teachings of Carrozzi to construct a more versatile magnetic resonance imaging device with the teachings of Roaschmann, so that various body parts of the patient could be imaged with least imaging artifacts and at reduced cost.

As regards to claim 44, Roaschmann does not teach the areas that the shielding member leaves at least partly open are closed by additional shields, which can be fastened and removed, and electrically connected to the shielding member. Carrozzi teaches the areas that the shielding member leaves at least partly open are closed by additional shields, which can be fastened and removed, and electrically connected to the shielding member (figures 1 and 6, numerals 9, 10 and 18). It would have been obvious to one of ordinary skill in the art to combine Carrozzi's teaching to have a cavity with delimiting two plane surfaces with the teaching of Roaschmann to improve patient's access and comfort.

As regards to claims 45 and 48, Roaschmann does not teach: a) C-shaped magnet defining the cavity, and having upper and lower horizontal poles interconnected by a vertical branch, and the rigid shielding member having U-shaped frame attached to hinging axis at the level of, and transverse to the magnet. Carrozzi teaches: a) C-shaped magnet defining the cavity, and having upper and lower horizontal poles interconnected by a vertical branch, and the rigid shielding member having U-shaped frame attached to hinging axis at the level of, and transverse to the magnet (figure 1, column 6, lines 9-52). It would have been obvious to one of ordinary skill in the art to combine Carrozzi's teaching with the teaching of Roaschmann to have a cavity with delimiting two plane surfaces to improve patient's access and comfort.

***Allowable Subject Matter***

4. Claims 40, 42, 43, 46, 47 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5 This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brij B Shrivastav whose telephone number is 703-305-0649. The examiner can normally be reached on 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on 703-308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-304-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0956.

Bbs

November 14, 2003

Brij B. Shrivastav

Patent Examiner